

2007 Legislation

Background

This is a brief summary of the 2007 legislation that will impact the Department of Motor Vehicles' (DMV) operations only. It is not a complete list of all 2007 legislative bills. All changes become effective January 1, 2008, unless otherwise noted. You will be notified about changes to policies or procedures in separate memos. If you are interested in further information regarding these bills, visit the legislative information website at www.leginfo.ca.gov.

Distribution

Notification that this memo is available online at www.dmv.ca.gov under Publications was made via E-Mail alert in December 2007.

Contact

Call the DMV Customer Communications Branch at (916) 657-6560 for further clarification of this memo. Upon request, this document can be produced in Braille or large print.

A handwritten signature in black ink that reads "Kathleen Rose". The signature is written in a cursive, flowing style.

KATHLEEN ROSE, Deputy Director
Communication Programs Division

Attachment

Vehicle Registration

<i>Code Reference</i>	<i>Comments</i>
Diesel-Powered Vehicles Add: <i>Vehicle Code</i> §4755 (AB 233 Chapter No. 592) Amend, Repeal, and Add: <i>Health & Safety Code</i> §§44010.5, 44011, 44012 (AB 1488 Chapter No. 739) (Operative January 1, 2010)	<ul style="list-style-type: none"> Prohibits the DMV from registering, renewing the registration, or transferring the ownership of a heavy-duty diesel motor vehicle, as specified, if the owner or operator has an outstanding emissions-related citation until that citation is cleared as determined by the Air Resources Board. Adds diesel-powered vehicles manufactured after the 1997 model-year that have a gross vehicle weight rating of less than 8,501 pounds to be in the biennial smog check program.
Disabled Parking Amend: <i>Government Code</i> §14679 Amend: <i>Vehicle Code</i> §§22511.59, 22511.8, 42001.13 Add: <i>Vehicle Code</i> §22511.95 (AB 1531 Chapter 413) (Operative July 1, 2008)	<ul style="list-style-type: none"> Limits the maximum consecutive number of times a person can renew a temporary disability parking placard. Increases fines for second and third violations related to illegal parking in disabled spaces. Alters signage and painting requirements for disabled parking spaces.
Increased Fees Add: <i>Vehicle Code</i> §§9250.1, 9261.1, and 9853.6 (AB 118 Chapter 750) (Operative July 1, 2008) (Sunsets January 1, 2016)	<ul style="list-style-type: none"> Establishes the Enhanced Fleet Modernization Program, the Air Quality Improvement Program, and the Alternative and Renewable Fuel and Vehicle Technology Program (<i>Health and Safety Code</i>) and provides funding for these programs through an increase in the smog abatement fee, the vehicle registration fee, the vessel registration fee, and the identification plate fee.
Off-Highway Motor Vehicles (OHVs) Amend: <i>Vehicle Code</i> §§38165, and 38301 Amend and Repeal: <i>Vehicle Code</i> §38225 (SB 742 Chapter 541) (Sunsets January 1, 2018)	<ul style="list-style-type: none"> Increases the registration fee for OHVs. Requires the department, in the design of the OHV identification plate or device, to make the identification number the most prominent feature.

Vehicle Registration

<i>Code Reference</i>	<i>Comments</i>
Special License Plates Fee Exemption Amend: <i>Vehicle Code</i> §§5101.5, 5101.6, and 9105 (SB 386 Chapter No. 357)	<ul style="list-style-type: none"> Exempts the surviving spouse of a former American Prisoner of War or of a Congressional Medal of Honor recipient from paying specified vehicle-related fees if she/he elects to retain the deceased spouse's special license plates. Authorizes a member of the former prisoner of war's family, or the Congressional Medal of Honor recipient's family, as defined, to retain one of the special license plates as a family heirloom.
Vessel Emissions Standards Add: <i>Vehicle Code</i> §§9852.9, 9853.7, and 9853.8 (AB 695 Chapter 609) (Operative July 1, 2008)	<ul style="list-style-type: none"> Prohibits the DMV from registering vessels with stern drive or inboard engines manufactured after January 1, 2008, if they do not meet emissions regulations. Requires the retail seller to certify on the original application for a CF number if the vessel is in compliance with the emissions regulations Requires vessels with a spark-ignition marine engine of less than 500 hp manufactured on or after January 1, 2008, or Vessels with a spark-ignition marine engine with any rated output power manufactured on or after January 1, 2009, to have a permanent affixed label indicating that the engine meets or exceeds the emissions standards, and Requires the hang tag for the engine to be submitted with the initial application for a CF number.
Year of Manufacture Plates Amend: <i>Vehicle Code</i> §5004.1 (AB 462 Chapter No. 497) (Operative July 1, 2009)	<ul style="list-style-type: none"> Extends the Year of Manufacture (YOM) license plate program to include 1969 year model or older passenger vehicles and 1972 or older commercial vehicles. Increases the original YOM application fee (Fee Code 017) to \$45.
Motor Carrier Permits Amend: <i>Vehicle Code</i> §§34623.5, 34630, 34640, and 34671 (AB 913 Chapter 58)	<ul style="list-style-type: none"> Authorizes the DMV to waive the \$150 reinstatement fee if a Motor Carrier Permit was suspended for a lapse in insurance coverage, and it is subsequently found that there was no lapse in coverage.

Driver License

<i>Code Reference</i>	<i>Comments</i>
Driving Under the Influence Repeated Offense Amend and Add: <i>Vehicle Code</i> §§13353.1, 13353.2, 22651, 42009, 422010 13389, and 23154 (AB 1165 Chapter 749) (Operative January 1, 2009)	<ul style="list-style-type: none"> • Makes it unlawful for a person who is on probation for a driving-under-the-influence offense to operate a motor vehicle at any time with a blood-alcohol concentration of 0.01percent or greater. • Imposes an admin per se driver license suspension on persons found to violate this prohibition.
Medical Examination for Special Certificates Amend: <i>Vehicle code</i> §12517.2 (AB 139 Chapter 158)	<ul style="list-style-type: none"> • Authorizes the medical examination for an original or renewal certificate to drive a schoolbus, school pupil activity bus, youth bus, general public paratransit vehicle, or farm labor vehicle to be given by a licensed, advanced practice, registered nurse qualified to perform a medical examination or by a licensed physician assistant.
Reporting Abstract of Record of Court Amend, Repeal and Add: <i>Vehicle Code</i> §1803 (AB 421 Chapter 746) (Operative October 1, 2008)	<ul style="list-style-type: none"> • Reduces the time in which the clerk of a court is required to forward to DMV an abstract of the record of the court from 10 to 5 days after conviction or sentencing.
Required Declaration on an Original or Renewal Application for a Driver License Add: <i>Vehicle Code</i> §13385 (AB 808 Chapter 748) (Operative July 1, 2008)	<ul style="list-style-type: none"> • Requires an applicant as a condition of obtaining or renewing a driver's license to sign a declaration acknowledging that a driver may be charged with murder if a person is killed as a result of driving under the influence.
Smoking in Vehicles With Minor Passengers Add: <i>Health and Safety Code</i> Article 2.5 to chapter 4 of Part 15 of Division 104 Amend: <i>Vehicle Code</i> §12814.6 (SB 7 Chapter 425)	<ul style="list-style-type: none"> • Makes it an infraction punishable by a fine not exceeding one hundred dollars (\$100) for a person to smoke a pipe, cigar, or cigarette in a motor vehicle any time a minor is present in the vehicle.

Driver License

<i>Code Reference</i>	<i>Comments</i>
Speed Contests and Reckless Driving Amend: <i>Vehicle Code</i> §§11110, 11215, 12810, 13201, 13351, 13352, 14601, 21051, 23103, 23104, 40800, 40804, 41610, 42008.5, 42009, and 42010 (AB 430 Chapter 682)	<ul style="list-style-type: none"> Includes reckless driving on a highway, reckless driving in an off-street parking facility, or exhibition of speed on a highway within the scope of various other existing statutes.
Traffic Violations Adjudication Amend: <i>Penal Code</i> §1203.4 <i>Vehicle Code</i> §§40501, 41501, and 42005 (AB 645 Chapter 161)	<ul style="list-style-type: none"> Prohibits the courts from dismissing serious traffic violations through completion of a traffic violator school program or any other court-approved program for safe driving. Serious traffic violations are those that would result in the assessment of two negligent operator points.
Transit Buses Right-of-Way Sign Add: <i>Vehicle Code</i> §24617 (AB 1492 Chapter 451)	<ul style="list-style-type: none"> If approved by the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority, this would: <ul style="list-style-type: none"> Authorize a transit bus to be equipped with a specified yield right-of-way sign on the left rear of the bus. Require motorists to yield to a transit bus when the sign is activated.
Wireless Telephones and Mobile Service Devices Amend and Add: <i>Vehicle code</i> §§12810.3, 23123, and 23124 (SB 33 Chapter 214) (Operative July 1, 2008)	<ul style="list-style-type: none"> Prohibits a person under the age of 18 from driving a motor vehicle while using a wireless telephone, even if equipped with a hands-free device, or while using a mobile service device, as defined.

Occupational Licensing

<i>Code Reference</i>	<i>Comments</i>
Car Buyer's Bill of Rights Amend: <i>Vehicle Code</i> §11713.21 (AB 305 Chapter 219)	<ul style="list-style-type: none"> Allows dealers to increase the restocking fee under circumstances involving the purchase of a leased vehicle by the lessee.
Consumer Protection Amend and Add: <i>Vehicle Code</i> §§11604, 11703, 11705, 4456.3, and Chapter 11 to Div. 5 (SB 729 chapter 437)	<ul style="list-style-type: none"> Creates the Consumer Motor Vehicle Recovery Corporation to manage a \$5-million recovery fund to compensate consumers who have suffered monetary loss as the result of a vehicle dealership closure or insolvency. A \$1 fee will be collected by the DMV on each vehicle sold by a dealer or lessor/retailer. This fee cannot be passed on to the consumer.
Occupational Licensing Amend: <i>Vehicle code</i> §11703.2 (SB 525 Chapter 93)	<ul style="list-style-type: none"> Expands the authority of the DMV to order restitution to victims who have suffered financial loss or damage by a vehicle dealer, manufacturer, distributor and transporter when the occupational license has been suspended or revoked. Expands DMV's authority to refuse to issue a license to include until restitution has been paid.
Recreational Vehicle Sales Add: <i>Vehicle Code</i> §11713.22 (AB 1092 Chapter 406)	<ul style="list-style-type: none"> Establishes a requirement that a recreational vehicle manufacturer and a dealer authorized by that manufacturer to sell its line of recreational vehicles enter into a written franchise agreement, which is to include specified information.
Traffic Violator School Licensing Amend: <i>Vehicle Code</i> §§11208, 11219.5 (AB 758 Chapter 396)	<ul style="list-style-type: none"> Requires DMV to submit a report to the Legislature, by July 1, 2008, containing a plan to consolidate all forms of traffic violation instruction programs under DMV's licensing authority. Increases the amount a traffic violator school may charge for a duplicate completion certificate and addresses a fee issue associated with class cancellations.